

TRANSCRIPT OF OFFICER AUCH OF THE GOVERNOR'S ADVISORY

BLUE RIBBON PANEL

Phoenix, Arizona  
February 26, 2004  
5:25 p.m.

PANEL MEMBERS:

Dennis Burke, Co-Chair

Herb Guenther, Co-Chair

Grant Woods, Co-Chair (Telephonically)

Leesa Morrison

Sheriff Vanderpool

ALSO PRESENT:

Ms. Schriro

Ms. Hunter

Ms. Urias

Mr. Schatzki

1                   MR. GUENTHER: Jason, this is Herb again.  
2       Maybe there's possibly some things that you think need  
3       to be changed, maybe if we could start there, on  
4       somewhat of some of the recommendations that you would  
5       make in order to make the working corrections'  
6       environment a little bit safer.

7                   OFFICER AUCH: Well, the first thing I  
8       would ask is training in self-defense, carry like a  
9       fold-up baton or something to that nature, because if  
10      an inmate has a shank, what's stopping the inmate from  
11      stabbing you, other than a can of pepper spray?

12                  MR. GUENTHER: What do you think about the  
13      pepper spray? Do you think it's --

14                  OFFICER AUCH: Basically, I think it's  
15      useless.

16                  MR. GUENTHER: Because it's -- I mean, even  
17      if you had the larger cans with the triggers, do you  
18      think it is -- would be useless? You have mostly those  
19      little three-ounce cans, don't you?

20                  OFFICER AUCH: Yeah. I think it's useless,  
21      because Wassenaar and Coy both were sprayed at the time  
22      of this incident and nothing happened until about five  
23      hours later.

24                  MR. GUENTHER: What happened then?

25                  OFFICER AUCH: They were complaining that

1       their eyes burn and they couldn't get it out, and they  
2       didn't stop complaining until about that night, and  
3       that's one of the things that happened as a result of  
4       being sprayed.

5                   MR. GUENTHER:  And that's almost five hours  
6       after Wassenaar came into the tower?  Were they both  
7       complaining?

8                   OFFICER AUCH:  Yeah.  They were rubbing  
9       their eyes and complaining that their eyes hurt, and  
10      they were saying that they hoped that they weren't  
11      going to get an infection from the pepper spray.

12                  MR. GUENTHER:  Were they downstairs in the  
13      bathroom washing their eyes or anything?

14                  OFFICER AUCH:  Coy tried that, and he said  
15      that it made it worse so he stopped doing it.

16                  MR. GUENTHER:  So better self-defense  
17      training would certainly help --

18                  OFFICER AUCH:  Yeah.

19                  MR. GUENTHER:  -- or some other more active  
20      kind of a self-defense spray?

21                  OFFICER AUCH:  Yeah, something.  And one  
22      more suggestion that I have is that tower officers  
23      carry a side arm at all times while being in the tower.

24                  MR. GUENTHER:  So you mean as far as the --  
25      just having two officers in the tower?

1                   OFFICER AUCH: It doesn't matter if there's  
2                   two or one, but someone needs to carry a pistol on them  
3                   at all times.

4                   MR. GUENTHER: To help protect the weapons?

5                   OFFICER AUCH: Correct.

6                   MR. GUENTHER: Okay. What about the gun  
7                   cabinet? Is that adequate?

8                   OFFICER AUCH: The gun cabinet needs to be  
9                   locked at all times.

10                  MR. GUENTHER: Okay.

11                  OFFICER AUCH: We are instructed by our  
12                  supervisors to keep it open and unlocked, and it needs  
13                  to be locked and secure.

14                  MR. GUENTHER: You mean bolted down?

15                  OFFICER AUCH: Bolted down and locked.

16                  MR. GUENTHER: Okay. How about the weapons  
17                  that are in the cabinet? Do you think it's properly  
18                  armed, the tower, or would you recommend changes?

19                  OFFICER AUCH: I think it's properly armed,  
20                  but I also think that the weapons should be checked in  
21                  a way of operation at least once a month, because the  
22                  AR-15, it looks like it's ready to fall apart. The  
23                  stock on it is so loose that you can move it.

24                  MR. GUENTHER: Okay. But you feel you  
25                  should have a pistol up there?

1                   OFFICER AUCH: Yes. Definitely. To this  
2 day, I think that if there is a Glock up there, that  
3 the situation would have ended the same day and not 15  
4 days later.

5                   MR. GUENTHER: Okay. Did either you or  
6 Lois have the opportunity to spray either inmate?

7                   OFFICER AUCH: No.

8                   MR. GUENTHER: So it's when they were  
9 sprayed outside?

10                  OFFICER AUCH: Yes.

11                  MR. GUENTHER: Do you know who sprayed  
12 Wassenaar?

13                  OFFICER AUCH: I believe it was Officer  
14 Debaugh.

15                  MR. GUENTHER: What about the -- we have  
16 had a lot of testimony, Jason, that a lot of people  
17 come to that tower. I don't know how many times you  
18 have occupied that tower.

19                  OFFICER AUCH: Several.

20                  MR. GUENTHER: Does it tend to become a  
21 clubhouse?

22                  OFFICER AUCH: Yeah, it does, and that  
23 needs to stop.

24                  MR. GUENTHER: So it is kind of a favorite  
25 place to take a break while others are doing counts?

1 OFFICER AUCH: Pretty much, yeah.

2 MR. GUENTHER: That must make it pretty  
3 active for you, buzzing people in and out?

4                   OFFICER AUCH:  Yeah.  It is -- it is kind  
5       of hard to look who's coming in and who's coming out  
6       and watch the yard all at the same time.

7 MR. GUENTHER: Okay. Did you feel that  
8 when you first did your -- had your post assigned at  
9 the tower, did you feel you were trained adequately to  
10 assume that post?

11 OFFICER AUCH: Never. I was put in the  
12 tower either in the second or third week I was off of  
13 OJT, and I had no training whatsoever in the tower.

14 MR. GUENTHER: How about with the AR-15?

15                   OFFICER AUCH: With the AR-15, I was put up  
16       on the upper second -- on the second week of OJT, and  
17       they automatically assumed that I knew what to do when  
18       I didn't.

19 MR. GUENTHER: Okay. So you really didn't  
20 have enough information to know what was expected of  
21 you, then?

22 OFFICER AUCH: Yes, sir. I didn't even  
23 know that we had to ask permission to shoot someone if  
24 it came down to it. I thought that we could use our  
25 own discretion when it came to that, and I found out by

1 my supervisors that that wasn't the case, that I had to  
2 ask permission in order to fire.

3 MR. GUENTHER: You had to ask permission  
4 from -- is it your supervisor, the shift supervisor --

5 OFFICER AUCH: Yes, sir.

6 MR. GUENTHER: -- before you could fire?

7 OFFICER AUCH: Yes, sir. If I felt that a  
8 life was being endangered, I would have to ask for  
9 permission to fire.

10 MR. GUENTHER: From the second tower --  
11 from up top?

12 OFFICER AUCH: Yes, sir.

13 MR. GUENTHER: Had you ever had occasion to  
14 use the 37-millimeter?

15 OFFICER AUCH: No, sir.

16 MR. GUENTHER: So you didn't have a chance  
17 to practice with that?

18 OFFICER AUCH: Oh, yeah. I practiced with  
19 it. I thought you were asking if I ever had an  
20 incident where I had to use it.

21 MR. GUENTHER: Oh. Okay. And what about  
22 the post orders for the lower post? Or are the  
23 second -- let's see.

24 OFFICER AUCH: The post orders may be a  
25 little more scripted, mainly the way how to buzz people



1 in. Number one, how to make sure that the yard is  
2 cleared before you send out another pod.

3 MR. GUENTHER: Okay. Were you required to  
4 read the post orders before you assumed the post?

5 OFFICER AUCH: Yes, sir.

6 MR. GUENTHER: And what do you do, then,  
7 initial them or what?

8 OFFICER AUCH: Yeah. You sign and date it.

9 MR. GUENTHER: I see. And there was  
10 something else I was just trying to remember. When you  
11 first occupied the tower, which level were you assigned  
12 to?

13 OFFICER AUCH: I was assigned to the lower  
14 tower.

15 MR. GUENTHER: And that's on the lower --

16 OFFICER AUCH: That's the middle floor of  
17 the tower.

18 MR. GUENTHER: Okay. So that's the second  
19 level?

20 OFFICER AUCH: Yes.

21 MR. GUENTHER: And then you would always  
22 have somebody else -- would you always have somebody  
23 else that occupied the upper tower?

24 OFFICER AUCH: Truthfully, it depends on  
25 what day it is. If it was a weekday and we were short

1 on staff, no one would be in the tower with me until  
2 about 5:15, and then someone would come in, load up the  
3 weapons, then go up on top. So the night this  
4 happened, we were overstaffed, so as -- as second post,  
5 they put someone in the tower for precautionary  
6 measures. But it was also the weekend, and on the  
7 weekend, we don't need an upper tower because of the  
8 security level that's out for graveyard shift.

9 MR. GUENTHER: I see. So you just happened  
10 to have more people show up than you would normally  
11 have?

12 OFFICER AUCH: Yes, sir.

13 MR. GUENTHER: Had you occupied the tower  
14 as a sole officer in the tower?

15 OFFICER AUCH: Yes, sir.

16 MR. GUENTHER: And that was more the norm  
17 than it was the usual?

18 OFFICER AUCH: Yeah. Actually, this was  
19 the second time that I have had someone posted with me  
20 the whole night. Every time else, I was alone.

21 MR. GUENTHER: And so then if you -- if  
22 somebody was in the yard, you would have to go up the  
23 staircase to the top and up on the deck with the rifle?

24 OFFICER AUCH: Negative. What happened  
25 was -- or what you do is you look out the yard through

1 the glass, and if the yard is cleared, you send out the  
2 next pod; if not, then you tell whoever is asking for  
3 permission to stand by while the yard clears, and then  
4 once it's cleared, you clear them out. And then you  
5 just stay in the middle part of the tower to watch all  
6 the gates and locks, and you only need an upper tower  
7 with an AR-15 if it's level threes or higher.

8 MR. GUENTHER: I see. So it depends on  
9 who's calling for yard clearance, then?

10 OFFICER AUCH: Yes, sir.

11 MR. GUENTHER: When the -- I forget who it  
12 was. Was it Kelly that called for the med recs?

13 OFFICER AUCH: Yes, sir.

14 MR. GUENTHER: When he called, was  
15 Wassenaar already in the tower?

16 OFFICER AUCH: Yes, sir.

17 MR. GUENTHER: And he instructed you, or  
18 did he call on the radio that the yard was not clear?

19 OFFICER AUCH: I think he instructed me to  
20 talk over the radio that the yard wasn't clear. I  
21 really can't remember.

22 MR. GUENTHER: Okay. Yeah. I know it's  
23 many, many -- besides the water that went under the  
24 bridge, it's been a traumatic experience as well.

25 OFFICER AUCH: Yeah. But talking over and

1       over and over again, it's like pouring salt on an open  
2       wound. It hurts every time I talk about it.

3               MR. GUENTHER: I know. We ought to go have  
4       a beer somewhere and talk about it. Maybe that's the  
5       best way to get rid of it.

6               OFFICER AUCH: No. I think that's the  
7       worst way to get rid of it.

8               MR. GUENTHER: Okay. I'll take your  
9       advice.

10              How's your eye doing?

11              OFFICER AUCH: My eye is doing better. I'm  
12       fighting an infection with it, but other than that,  
13       it's doing all right.

14              MR. GUENTHER: Okay. And did they put a  
15       plate on that or --

16              OFFICER AUCH: Yeah. They put two plates  
17       on it.

18              MR. GUENTHER: Titanium?

19              OFFICER AUCH: As far as I know.

20              MR. GUENTHER: Yeah. That's a sensitive  
21       place to try to heal from, I'll tell you.

22              OFFICER AUCH: Yeah.

23              MR. GUENTHER: Is there any other  
24       recommendations that you might make? Right now we have  
25       the training in self-defense; the gun cabinet locked

1 all the time and bolted down; the weapons checked once  
2 a month, kept in good condition and operating -- having  
3 a Glock in the tower to defend the weapons. Can you  
4 think of anything else that might be of help?

5 OFFICER AUCH: A light on the -- going from  
6 the admin area to the tower right above the door so you  
7 could see who's coming in and who's coming out on the  
8 spline.

9 MR. GUENTHER: And that was on the admin  
10 spline?

11 OFFICER AUCH: Yes.

12 MR. GUENTHER: Now, that's the side that  
13 had the air conditioner on it?

14 OFFICER AUCH: Yes, sir. There's a light  
15 right above that just so you could see who's trying to  
16 come in so you could do a face ID check.

17 MR. GUENTHER: How is the -- besides that  
18 side of the tower lighting, how about the other side,  
19 over on the B side?

20 OFFICER AUCH: On the other side, it is  
21 still dark, but you can still see who's coming in. On  
22 the door itself, it's -- you are still in the tower's  
23 shade from the light, but it's -- for the most part,  
24 you can still see who's coming in because you can see  
25 from the red and blue gate.

1 MR. GUENTHER: Okay.

2 OFFICER AUCH: But as far as I have heard,  
3 they're shutting down those red and blue gates so I  
4 don't think that would really matter.

5 MR. GUENTHER: What about the cameras? How  
6 are they, Jason?

7 OFFICER AUCH: Cameras?

8 MR. GUENTHER: Yeah.

9 OFFICER AUCH: As far as I'm concerned,  
10 they suck. The one thing I wish was that when a bell  
11 would go off on the control panel, you push the button  
12 and then it be like where the controller was where a  
13 camera would be right there on the spot so you could  
14 see who it is, and we don't have that.

15 MR. GUENTHER: So you need more or better  
16 placed cameras?

17 OFFICER AUCH: Both. Like, to have like a  
18 computer that does like the control rooms where when a  
19 bell goes off, you can push the speaker and find out  
20 who is there before you pop them in.

21 MR. GUENTHER: So when the call button goes  
22 off, you push the button and it should activate a  
23 camera so you can see who is talking to you?

24 OFFICER AUCH: Exactly. And that way, you  
25 can do a voice and face ID check right there and it

1 would be a lot safer.

2 MR. GUENTHER: Good idea. What about the  
3 stairway to the deck? Is that a problem when you are  
4 occupying that tower by yourself?

5 OFFICER AUCH: Not really. Because even if  
6 you use the rest room, you have to have someone come up  
7 and relieve you just so you can use the rest room. So  
8 it's not really an issue because of the fact that the  
9 second officer is going to be there in case if  
10 something happens, you are covered.

11 MR. GUENTHER: Okay. Do you think that the  
12 tower should be a two-person post all the time?

13 OFFICER AUCH: Yes, I do.

14 MR. GUENTHER: Okay. Dennis or Grant, do  
15 you have something?

16 MR. BURKE: Grant, do you want to go ahead?

17 MR. WOODS: Yeah. I have a few questions.  
18 Let me follow up a little bit on some of those things,  
19 Jason, and then I want to move into one other area. Do  
20 you think both the -- both people in the tower, then,  
21 should be armed?

22 OFFICER AUCH: Yes, I do.

23 MR. WOODS: Okay. And can you tell me the  
24 idea of the weapons being -- being locked? Would that  
25 have done any good here? I mean, wouldn't they have

1       forced you to open it anyway?

2                   OFFICER AUCH:  It really depends.  If you  
3       are a good liar, we would be able to convince them that  
4       we didn't have the key for it, because we were able to  
5       do that for a couple other things, but it was the truth  
6       then.  I really do think it would have at least delayed  
7       their response.

8                   And the procedure on the weapons, we  
9       have -- our supervisors tell us to lower the AR-15, lay  
10      it down on the table, put the magazine right next to  
11      the gun with the rounds in a straight line just so you  
12      can count out, and that's just asking for trouble.  
13      Number one, the officers are going to come in and play  
14      with it.  I have seen that quite a few times, and the  
15      same thing that happened with us.  And if an inmate  
16      gets in there, they are going to have access to that  
17      weapon.

18                  MR. WOODS:  So this would give you the  
19      option of -- at least under circumstances like this, it  
20      would give the option of trying to persuade the inmate  
21      that it was locked and you didn't have the key?

22                  OFFICER AUCH:  Exactly.

23                  MR. WOODS:  If there was something going on  
24      in the yard where you would need to use the weapon and  
25      shoot an inmate, that you need permission to do that?



1       That was a standing order?

2               OFFICER AUCH:  Yes, sir.

3               MR. WOODS:  And do you think it would be  
4       better to allow the officers in the tower to use their  
5       own discretion of when to use the weapon?

6               OFFICER AUCH:  Yes, sir.  We were tested on  
7       how to use our discretion in order to pass COTA;  
8       therefore, we should be able to use our own discretion  
9       or shoot someone if it came down to it.

10              MR. WOODS:  Uh-huh.  Okay.  Could we go to  
11      the period of time during the 15 days that this went on  
12      and the time that you were held hostage there.  Can you  
13      give us some thoughts on what you think was handled  
14      well and maybe what was -- what could have been  
15      improved upon?

16              OFFICER AUCH:  What was handled well in  
17      negotiating?

18              MR. WOODS:  Yes, in particular, or -- and  
19      things that needed to be done differently.  For  
20      example, were all the negotiators of equal caliber, in  
21      your opinion, or were some better than others?

22              OFFICER AUCH:  Some were better than  
23      others.  Maria, she was the best.  She was the most  
24      up-front negotiator that I had encountered.  Quite a  
25      few of the negotiators pissed off Wassenaar to the

1 point where he wanted to shoot someone because he  
2 wasn't getting his way.

3 Some bad things that I think happened is  
4 when the FBI TSU teams tried to make a hole in the  
5 fence and then leave the fence clippings out in the  
6 middle of the range of site so that the inmates could  
7 see it, and that almost got my life.

8 MR. WOODS: What happened then?

9 OFFICER AUCH: I had -- I had to beg to  
10 Maria for my life, and it was so degrading and so  
11 embarrassing that I will never forgive the department  
12 or the FBI for doing that.

13 MR. WOODS: So that had an opposite  
14 reaction of what they had hoped for?

15 OFFICER AUCH: Yeah. I know it was a  
16 tactical thing, but they should have been more  
17 conscious about what they were doing.

18 MR. WOODS: Were there other tactics that  
19 they used -- could you describe some of the tactics  
20 that you think worked well and some of them that had a  
21 negative reaction.

22 OFFICER AUCH: Some tactics that worked  
23 well, the bugs that they put -- the audio bugs that  
24 they put in, like the stereo, that was a good touch,  
25 but at the same token, once Wassenaar ripped open the

1 stereo and found out, that pissed him off royally.

2 A good tactical thing was having a lot of  
3 the snipers visible on top of the buildings because it  
4 made the inmates intimidated. They were afraid to  
5 stand up for a good couple of days before they actually  
6 got the courage to.

7 MR. WOODS: Uh-huh. What about things  
8 related to food and power, things like that? How did  
9 that work?

10 OFFICER AUCH: Food and power. Pretty much  
11 if the inmate has to pay for something for food, that  
12 the hostage will never get it. The deal that we made  
13 with Wassenaar was if -- actually, he made it with  
14 us -- is if he had to pay for food, that we wouldn't  
15 get it; and if he didn't have to pay for it, we would  
16 get it, half of what they got.

17 MR. WOODS: When you say "pay for it," you  
18 mean have to give up something for it?

19 OFFICER AUCH: Right, have to give up some  
20 rounds or a weapon or something.

21 MR. WOODS: Okay. Did the turning off the  
22 power -- what sort of reaction did that get?

23 OFFICER AUCH: To tell you the truth, I  
24 don't remember one time that the power was turned off.

25 MR. WOODS: Okay. Would it have been

1       better to have to have identified early on the  
2       negotiators with whom Wassenaar was making a positive  
3       connection and having them do the negotiations  
4       throughout, rather than having such a wide variety of  
5       negotiators?

6               OFFICER AUCH:  Yes, sir.  When I was up  
7       there, he kept asking for Maria back, and she never did  
8       come back.  And he was kind of disappointed about that  
9       one because he really wanted her to be the negotiator,  
10      even though she was left in the dark about a lot of  
11      things.

12             MR. GUENTHER:  Jason, was Maria on -- was  
13      she on the phone when they found the fence cut?

14             OFFICER AUCH:  Yes.

15             MR. GUENTHER:  So she really didn't know  
16      they had cut the fence; is that right?

17             OFFICER AUCH:  No, she didn't know.

18             MR. GUENTHER:  And the problem with the --  
19      besides the sloppy job of cutting the fence, they left  
20      the pieces --

21             OFFICER AUCH:  Yes.

22             MR. GUENTHER:  -- in the spline?

23             OFFICER AUCH:  They left it on the sidewalk  
24      in the blue yard.

25             MR. GUENTHER:  Okay.

1                   MR. WOODS: So she was saying that it  
2                   hadn't happened, and they could see that it had  
3                   happened?

4                   OFFICER AUCH: Yes.

5                   MR. WOODS: On her credibility?

6                   OFFICER AUCH: Yes.

7                   MR. WOODS: Until she persuaded them that  
8                   she didn't really know?

9                   OFFICER AUCH: Yes.

10                  MR. WOODS: Which makes you wonder what was  
11                  going on?

12                  OFFICER AUCH: Yes. And the inmates wanted  
13                  to apologize to Maria for yelling at her.

14                  MR. WOODS: So she had a good rapport with  
15                  them?

16                  OFFICER AUCH: Yes.

17                  MR. WOODS: There is some talk, anyway,  
18                  that -- a lot of discussion on this question of if they  
19                  could take one of the inmates out, if they took  
20                  Wassenaar out when he was walking around up there, that  
21                  Coy might have folded, and that was rejected as way too  
22                  risky of a strategy. Do you have any thoughts, having  
23                  observed them in there, if Wassenaar would have been  
24                  taken out what might have happened?

25                  OFFICER AUCH: I would have lost my life.

1 MR. WOODS: No doubt in your mind?

2 OFFICER AUCH: No doubt in my mind. When  
3 he was up on the top of the tower or even on the first  
4 floor, Coy had that AR-15 pointed at my head. So there  
5 is no doubt in my mind that if -- if you guys took out  
6 Wassenaar, that Coy would finish the job.

7 MR. WOODS: So the decision not to do that  
8 and to make sure that no shots were fired at inmates  
9 unless you could take both of them out for sure at the  
10 same time, you believe that decision may have saved  
11 your life?

12 OFFICER AUCH: Definitely.

13 MR. WOODS: Okay. All right. I appreciate  
14 your answers and you sharing with us today.

15 That's all I have, Dennis.

16 MR. BURKE: Thank you, Grant.

17 Jason, Dennis Burke. You had mentioned to  
18 Mr. Woods that with regards to the key for the weapon  
19 locker that you would, you know, possibly lie to them.  
20 And then you said that we were able to do that for a  
21 couple other things. What were you referring to?

22 OFFICER AUCH: He wanted to know if we --  
23 if the keys that was in the tower was actually the keys  
24 for the front door.

25 MR. BURKE: Uh-huh.

1                   OFFICER AUCH: And we told him no. He  
2                   didn't believe us, of course, until we went down there  
3                   and I showed him it wasn't the right key for the right  
4                   lock. And then after that, it would have been very  
5                   easy to lie to him about not having a certain key.

6                   MR. BURKE: Had you worked with the female  
7                   officer before that shift?

8                   OFFICER AUCH: With (name redacted)?

9                   MR. BURKE: Yes.

10                  OFFICER AUCH: Yes, sir. I actually went  
11                  to COTA with her.

12                  MR. BURKE: You went to COTA with her. How  
13                  often were the two of you on the tower shift together?

14                  OFFICER AUCH: That was the second time I  
15                  was placed with her in the tower.

16                  MR. BURKE: And you said earlier to Senator  
17                  Guenther that the normal was for you to be alone in the  
18                  tower.

19                  OFFICER AUCH: Uh-huh.

20                  MR. BURKE: Had you ever had any previous  
21                  contact before that incident with either Wassenaar or  
22                  Coy?

23                  OFFICER AUCH: Yes. I actually patted them  
24                  both down going to the kitchen for work.

25                  MR. BURKE: That morning?

1                   OFFICER AUCH: No, just about a week  
2 before. If you are referring to the night that this  
3 happened, no, I had no contact with them.

4                   MR. BURKE: But you had -- once they did  
5 enter the tower, you had recognized them from -- you  
6 had recognized them and had seen them before?

7                   OFFICER AUCH: Negative. To tell you the  
8 truth, I didn't know who they were or where they came  
9 from or anything until they told me.

10                  MR. BURKE: They had told you that you had  
11 patted them down in the past?

12                  OFFICER AUCH: Yes, sir.

13                  MR. BURKE: When you were in the tower with  
14 them, did they ever mention that anyone else was  
15 supposed to be involved in their escape plan?

16                  OFFICER AUCH: Yeah. They said that they  
17 were trying to recruit people that they were working  
18 with in the kitchen.

19                  MR. BURKE: But they didn't mention that  
20 anyone else was involved in the planning of it, did  
21 they?

22                  OFFICER AUCH: Wassenaar was taking the  
23 credit for the whole plan.

24                  MR. BURKE: Did he go into any detail as to  
25 what his preplanning was to get -- his preplanning for



1       this escape plan?

2                   OFFICER AUCH:  Other than digging  
3       underneath the fences to get out, no.

4                   MR. BURKE:  Did he mention at all where he  
5       had hid the shank?

6                   OFFICER AUCH:  He said at -- he said that  
7       they were delivered.

8                   MR. BURKE:  Jason, do you know what he  
9       meant by that?

10                  OFFICER AUCH:  I would imagine that it was  
11       like a part of a bread cage or something.

12                  MR. BURKE:  I'm sorry.  I lost that.  Could  
13       you say that again?

14                  OFFICER AUCH:  A bread cage.

15                  MR. WOODS:  Shamrock bread cage.

16                  MR. BURKE:  So when he meant they were  
17       delivered, he meant the bread cages were delivered?

18                  OFFICER AUCH:  I think it was a piece of  
19       something that was brought into the unit.

20                  MR. BURKE:  Did he indicate where he hid it  
21       that morning?

22                  OFFICER AUCH:  No, he didn't.

23                  MR. BURKE:  But he did indicate that it was  
24       made out of a bread cage?

25                  OFFICER AUCH:  He just said that it was

1 delivered, and that's what I figured.

2 MR. GUENTHER: Jason, wasn't there also a  
3 metal top on some of the Shamrock metal crates?

4 OFFICER AUCH: A metal top?

5 MR. GUENTHER: A metal band on them.

6 OFFICER AUCH: Some of them do, yes, but  
7 it's not that thick, though. The shanks were about a  
8 good quarter inch thick so it was something heavy-duty.

9 MR. BURKE: I think that's all I got for  
10 right now, Jason.

11 MR. GUENTHER: Jason, this is Herb again.  
12 I just wondered, when you are down on the bottom floor  
13 and Kelly comes by and he knocks on the window --

14 OFFICER AUCH: Uh-huh.

15 MR. GUENTHER: -- are the lights out in the  
16 tower?

17 OFFICER AUCH: Yes.

18 MR. GUENTHER: All of them? Bathroom light  
19 wasn't on?

20 OFFICER AUCH: The first floor, all the  
21 lights were off. On the second floor, I think  
22 Wassenaar had the lights off, as well.

23 MR. GUENTHER: Was the stairwell door  
24 opened?

25 OFFICER AUCH: No.

1                   MR. GUENTHER: Okay. So when Kelly comes  
2 past, what did he see?

3                   OFFICER AUCH: He saw me facing the  
4 stairway door.

5                   MR. GUENTHER: On the floor?

6                   OFFICER AUCH: No, I was standing. At that  
7 time, I was standing next to the door because Wassenaar  
8 told me to go down there and wait for him to pop open  
9 the door and when it was open or when it was unlocked,  
10 to push it open and hold it open.

11                  MR. GUENTHER: I got you.

12                  OFFICER AUCH: And Kelly started knocking  
13 on the window, and I had my back turned to him, and I  
14 was trying to show him my cuffs but it was too dark in  
15 there to show him.

16                  MR. GUENTHER: Did the gate to the sally --  
17 or was the door to the sallyport open or closed at that  
18 time?

19                  OFFICER AUCH: At that time, it was closed,  
20 and I was waiting for it to be opened.

21                  MR. GUENTHER: So once he buzzed it and it  
22 opens and you hold it open, are you still standing up?

23                  OFFICER AUCH: He tells me to lay down.

24                  MR. GUENTHER: By the door?

25                  OFFICER AUCH: Yeah, by the door.

1                   MR. GUENTHER:  So basically, he is using  
2   you as a doorstep?

3                   OFFICER AUCH:  No.  He told me to take like  
4   one step back and lay down face first --

5                   MR. GUENTHER:  I see.

6                   OFFICER AUCH:  -- so I would be away from  
7   the door.  And he managed to stretch the spring so far  
8   on the door that the door was holding itself open.

9                   MR. GUENTHER:  I see.

10                  OFFICER AUCH:  And he actually stepped away  
11   from the door, and I tried to get my foot around that  
12   door to close it, and I couldn't close it.

13                  MR. GUENTHER:  And meanwhile, he goes out  
14   in the sallyport area?

15                  OFFICER AUCH:  Yeah.  And that's when the  
16   IMS kicked off and he started firing rounds.

17                  MR. GUENTHER:  Okay.  Could you see him  
18   when he was firing?

19                  OFFICER AUCH:  No.  I kind of turned away  
20   because I was like -- my face -- my right side of my  
21   face was the good side, so I kind of laid my face on my  
22   right side so it wouldn't hurt as bad, and I'm going in  
23   and out of consciousness at that time.

24                  MR. GUENTHER:  Okay.  But he was out firing  
25   out of the blue side gate?

1                   OFFICER AUCH:  Yes, sir.

2                   MR. GUENTHER:  And he had the AR-15 with  
3           the clip?

4                   OFFICER AUCH:  Yes.

5                   MR. GUENTHER:  And do you recall how many  
6           shots you heard?  You probably have been trying to  
7           count these over and over in your nightmares.

8                   OFFICER AUCH:  He fired ten rounds  
9           downstairs and then five on top of the tower.

10                  MR. GUENTHER:  Okay.  And he was probably  
11           shooting at pretty close range.  When I was out there  
12           to visit, where they were trying to place Coy was only  
13           a couple of yards from that gate, it seems like.

14                  OFFICER AUCH:  Uh-huh.

15                  MR. GUENTHER:  Have you had occasion to  
16           fire that particular AR-15?

17                  OFFICER AUCH:  Yes, sir.  We have to be  
18           trained with it in order to be in the tower.

19                  MR. GUENTHER:  Right.  But that particular  
20           gun itself that was in the tower, had you ever fired  
21           that gun?

22                  OFFICER AUCH:  No, sir.

23                  MR. GUENTHER:  But the -- the stock was  
24           pretty loose?

25                  OFFICER AUCH:  Yes, sir.  We have to

1       examine the weapon every time we load it up, so just  
2       having to use it, having to carry it around -- not like  
3       fire it, but just to carry it around up on the upper  
4       tower, you know, the quality of the weapon -- and I  
5       told the inmates straight out, I was wondering -- it's  
6       no wonder that it didn't blow up in their face because  
7       it was a pretty crappy weapon.

8               MR. GUENTHER: Okay. But as far as -- you  
9       don't know how accurate it was or anything like that?

10              OFFICER AUCH: No, I don't.

11              MR. GUENTHER: Pardon us. There's a clock  
12       in this office that is an animal clock that makes  
13       sounds, so that's what sounds like a hyena in the  
14       background. That's exactly what it is coming out of  
15       one of those crazy clocks, and we got an Elvis bear up  
16       here that dances, too. So if he goes off, you'll know  
17       that something else is happening.

18              Do you have any questions?

19              SHERIFF VANDERPOOL: Yes. Jason, this is  
20       Sheriff Vanderpool, and again, I sure appreciate you  
21       spending some time with us because we are going to be  
22       able to learn a lot for your fellow law enforcement  
23       officers.

24              When the inmate came into the tower and  
25       came up to the level you were on, did you have the

1 AR-15? Was that in your hands at that time?

2 OFFICER AUCH: It was on the table.

3 SHERIFF VANDERPOOL: So if that's where you  
4 are getting back to if you had a side arm, you would  
5 have been able to possibly end things then?

6 OFFICER AUCH: Correct. If I couldn't  
7 have, Lois would have.

8 SHERIFF VANDERPOOL: Okay. When the AR-15  
9 was on the table, was it -- was the magazine in it and  
10 chambered?

11 OFFICER AUCH: Negative. The magazine was  
12 sitting on the side of the weapon, and the slide of the  
13 weapon was open.

14 SHERIFF VANDERPOOL: Okay. How many  
15 magazines are kept in the tower?

16 OFFICER AUCH: One.

17 SHERIFF VANDERPOOL: Is that a 20-round  
18 magazine?

19 OFFICER AUCH: Yes, sir.

20 SHERIFF VANDERPOOL: Would you think a  
21 taser would have been effective in that situation if  
22 you had had to -- you know the tasers that are now  
23 being issued out to law enforcement?

24 OFFICER AUCH: Maybe. I don't know. I  
25 have never had to deal with a taser before.

1                   SHERIFF VANDERPOOL: Okay. And you  
2                   mentioned a little bit about the FBI tactical team and  
3                   the strands on the cement. Would it have been -- do  
4                   you think it would have been better if a tactical team  
5                   would have been a Department of Corrections' team or a  
6                   team that maybe is familiar with prison operations?

7                   OFFICER AUCH: It really doesn't matter  
8                   who's doing it, just to make sure that they clean up  
9                   after themselves and they make sure that that blue tarp  
10                  that they cut was going to stay together.

11                 SHERIFF VANDERPOOL: Okay. Had you had any  
12                 training in hostage -- you know, any hostage training  
13                 or, you know --

14                 OFFICER AUCH: It was very quick.  
15                 Basically, most of our training said that if you are  
16                 held hostage, that no negotiations would be made.

17                 SHERIFF VANDERPOOL: But no training on  
18                 what negotiations -- I mean, what negotiators do and  
19                 what they would try to do?

20                 OFFICER AUCH: No.

21                 SHERIFF VANDERPOOL: You had mentioned that  
22                 they had indicated that the shanks were delivered.  
23                 Now, delivered by like brought in by, you know, a  
24                 vendor or delivered like maybe from a staff member or  
25                 --



1                   OFFICER AUCH: I'm thinking like a vendor.

2                   SHERIFF VANDERPOOL: During that evening,  
3 are there any -- during your shift there, was there any  
4 deliveries that are made to the facility?

5                   OFFICER AUCH: Negative.

6                   SHERIFF VANDERPOOL: Are all the deliveries  
7 made during the day?

8                   OFFICER AUCH: Uh-huh.

9                   MR. WOODS: This is Grant Woods. Can I  
10 just ask Jason, so I'm clear on that?

11                   Do you think from what you are hearing  
12 there that the shank itself was delivered, for example,  
13 by a vendor from the outside, or the material was  
14 delivered and the shank was made from the material?

15                   OFFICER AUCH: I think it was the material  
16 was delivered and then the shank was made from whatever  
17 it was.

18                   MR. WOODS: Okay. Thank you.

19                   SHERIFF VANDERPOOL: Jason, this is the  
20 Sheriff again. In the training that you got on hostage  
21 situation, however brief it may have been, can you  
22 describe what that training was? Was it a classroom  
23 training or a film?

24                   OFFICER AUCH: I think there was one film  
25 on -- I think there was one film and a 15-minute

1       course. That was it. I don't know. We learned so  
2       much in seven weeks that it is hard to remember what  
3       type of training it was. I don't know. It wasn't a  
4       whole lot.

5               SHERIFF VANDERPOOL: Okay. Do you feel  
6       that the self-defense training that you had at the  
7       academy, was it adequate?

8               OFFICER AUCH: I think it should be a lot  
9       more in depth than what it was, and we should have more  
10      practice doing it. It should be practiced every day  
11      until the day we graduate.

12              SHERIFF VANDERPOOL: Was any of it -- did  
13      any of it deal with actually having an armed suspect  
14      assaulting you and then having to fight through that?

15              OFFICER AUCH: No. Our self-defense  
16      training was inmates that were unarmed that were  
17      attacking us.

18              SHERIFF VANDERPOOL: Okay. So never like  
19      with a club coming after you or with a knife or  
20      something that you would have to disarm the individual?

21              OFFICER AUCH: No, never. The only thing  
22      close to that is like an inmate grabbing the side arm  
23      out of your holster, but that's it.

24              SHERIFF VANDERPOOL: I think that's all I  
25      have, Jason. Again, you know, I want to thank you.

1       You have went through in your short career so far with  
2       the department more than most law enforcement officers  
3       ever go through in 20 or 30 years, and thank you for  
4       sharing this experience with us so that your fellow  
5       officers can learn from it.

6               OFFICER AUCH:   Yep.

7               MR. GUENTHER:   Lisa.

8               MS. MORRISON:   Jason, I just have a couple  
9       of very, very brief questions.  The first one is, did  
10      they talk about where that shaver came from?

11              MR. GUENTHER:   Were you able to hear that,  
12      Jason?

13              OFFICER AUCH:   Yes.  No, I don't even know.

14              MS. MORRISON:   Did they talk about the  
15      shaver at all?

16              OFFICER AUCH:   No.

17              MS. MORRISON:   Did you know there was a  
18      shaver?

19              OFFICER AUCH:   After I got down from the  
20      tower.

21              MS. MORRISON:   As you are up there for so  
22      many days listening to them talk between each other,  
23      did it sound like they had been planning this for a  
24      very long time?

25              OFFICER AUCH:   Yeah.  Wassenaar said he has

1       been planning this for three years since the day he got  
2       on the unit.

3               MS. MORRISON:   What else did he tell you  
4       about the planning?

5               OFFICER AUCH:   Just that they were planning  
6       on digging underneath the fences to get out.

7               MS. MORRISON:   Nothing else, especially on  
8       how he was going to get to the fence?

9               OFFICER AUCH:   Negative.

10              MS. MORRISON:   No other names who he was  
11      talking to about it?

12              OFFICER AUCH:   I'm sorry?

13              MS. MORRISON:   No other names who he was  
14      talking to about trying to escape?

15              OFFICER AUCH:   No.

16              MS. MORRISON:   Any details what he thought  
17      he was going to do once he got out under the fence?

18              OFFICER AUCH:   Wassenaar and Coy were  
19      planning on actually buying tickets from a scalper and  
20      going to the Super Bowl.

21              MS. MORRISON:   Okay.   Anything else they  
22      had planned to do when they got out?

23              OFFICER AUCH:   Nope.   That's all they said.

24              MS. MORRISON:   Did they say anything about  
25      being familiar with the officers who were on kitchen

1 duty that morning?

2 OFFICER AUCH: They did tell me that if  
3 they had known I was out there that they would have  
4 done it another day, and they were hoping it was an  
5 officer that they didn't like.

6 MS. MORRISON: Did they tell you who that  
7 was?

8 OFFICER AUCH: There was a few names.

9 MS. MORRISON: What were the names?

10 OFFICER AUCH: One was Officer Gibbs.

11 MS. MORRISON: Gibbs.

12 OFFICER AUCH: He tore apart Wassenaar's  
13 cell quite a few times. Officer Ritenhous.

14 MS. MORRISON: Can you say that one more  
15 time?

16 OFFICER AUCH: Ritenhous.

17 MR. GUENTHER: R-i-t-e-n-h-o-u-s-t.

18 MS. MORRISON: Anybody else, Jason?

19 OFFICER AUCH: Those are the two main ones  
20 that they didn't like.

21 MS. MORRISON: Did they tell you why they  
22 didn't like them?

23 OFFICER AUCH: Because they were pretty  
24 rude to those two inmates.

25 MR. GUENTHER: Do you think -- this is Herb

1       again. Do you think if they were in the tower, either  
2       one of those officers, that they would have been  
3       killed?

4               OFFICER AUCH: Most definitely.

5               MR. GUENTHER: So the fact that at least  
6       they liked you and Lois probably helped in the  
7       situation?

8               OFFICER AUCH: Yes. And to this day, I  
9       still don't know why they liked me so much, but they  
10      do.

11              MS. MORRISON: Were there any other  
12      officers that they told you that they really liked?

13              OFFICER AUCH: No, not really.

14              MS. MORRISON: That's all I have. Thank  
15      you.

16              MR. GUENTHER: Do you want to -- do you  
17      want some more training in hostage situations?

18              OFFICER AUCH: That would be nice.

19              MR. GUENTHER: I thought we would give you  
20      an honorary master's degree.

21              MS. MORRISON: You know what? I did have  
22      one follow-up. Earlier, you were talking about the  
23      hostage negotiation policy that you were taught at  
24      COTA. What do you think about that policy now?

25              OFFICER AUCH: I think that it needs to be

1       torn out of textbooks and needs to be explained more  
2       thoroughly; that DOC won't trade an officer for an  
3       officer but will negotiate to get that officer out of a  
4       dangerous situation.

5                   MS. MORRISON: And that's what you think  
6       the policy should be, right?

7                   OFFICER AUCH: I think I should be  
8       taught -- I think that policy should thoroughly explain  
9       what to do in the way of being a hostage.

10                  MS. MORRISON: So what you were saying a  
11       minute ago about the officers won't be traded for  
12       officers and that certain negotiations will take place,  
13       what you were speaking of is changes to the policy?  
14       I'm not exactly clear.

15                  OFFICER AUCH: Yes, ma'am. All I'm saying  
16       is that the policy be changed to thoroughly explain  
17       that and that another officer won't be traded for a  
18       fellow officer. That's being a hostage. That's all  
19       I'm saying.

20                  MS. MORRISON: Okay. Thank you.

21                  MR. GUENTHER: Jason, when -- did Wassenaar  
22       apologize for hitting you in the face?

23                  OFFICER AUCH: He apologized for hitting me  
24       so hard, but he didn't apologize for hitting me.

25                  MR. GUENTHER: Okay. And of the two,

1       Wassenaar and Coy, who did you fear the most?

2               OFFICER AUCH:   Wassenaar.

3               MR. GUENTHER:   Why?   Was he --

4               OFFICER AUCH:   Why?   Because he actually  
5       thought things through when he was calm.

6               MR. GUENTHER:   Oh.   He thought things  
7       through when he was calm?

8               OFFICER AUCH:   Uh-huh.

9               MR. GUENTHER:   So he was the smarter of the  
10      two?

11              OFFICER AUCH:   Yes, sir.   And when he was  
12      actually calm and settled, he would actually think  
13      before he did something.   And he would -- was easily  
14      agitated.   He was easily scared.   And when he got  
15      scared, he wouldn't think at all; he would just do it.

16              MR. GUENTHER:   When Wassenaar was scared,  
17      he would just do it?

18              OFFICER AUCH:   Yes.

19              MR. GUENTHER:   But when he was calm, he  
20      was -- had a pretty --

21              OFFICER AUCH:   Acted logical and I think  
22      the best choice of what to do instead of just jumping  
23      in on something and ending up dying or ending up  
24      killing someone.

25              MR. GUENTHER:   Yeah.   Was he a clean freak?



1                   OFFICER AUCH: Yes, he was. He was a very  
2 clean freak.

3                   MR. GUENTHER: How come he trashed the  
4 tower so bad then?

5                   OFFICER AUCH: Probably because he couldn't  
6 get rid of the trash.

7                   MR. GUENTHER: I see. And he must have  
8 been going nuts, though, with not being able to get as  
9 clean as he wanted to be?

10                  OFFICER AUCH: Oh, yeah. He was  
11 complaining that he wanted toothpicks and dental floss  
12 and toiletries. You name it, he wanted it. And while  
13 I was up in the tower, the tower was nice and  
14 organized, and I guess as soon as I left, it turned to  
15 trash.

16                  MR. GUENTHER: Well, that shows that they  
17 were upset that you left them, I guess.

18                  OFFICER AUCH: I guess. I don't know.

19                  MR. GUENTHER: And was Lois an asset to you  
20 during this situation?

21                  OFFICER AUCH: Lois and I basically took  
22 care of each other. If someone needed something, the  
23 other person would step in and like do whatever that  
24 other person needed. Like if I needed water, she would  
25 give me the water bottle; if she needed to be wrapped

1 up in a blanket, I would do that for her. Just things  
2 like that. So yeah, I definitely think that Lois was  
3 definitely an asset.

4 MR. GUENTHER: Well, we think you are an  
5 asset, too, and we wish you well. It's a very  
6 difficult situation you went through and you are a  
7 survivor. We just hope that, you know, you talk freely  
8 about this so that you get so bored with talking about  
9 it, that it will probably leave your conscious mind, I  
10 hope. Though, it probably --

11 OFFICER AUCH: At the same time, it is  
12 still so painful talking about it, and people are  
13 demanding -- demanding me to talk about it so often,  
14 it's horrible. It hurts.

15 MR. GUENTHER: What do you think we -- what  
16 do you think is the best path to follow from here?

17 OFFICER AUCH: In the way of what?

18 MR. GUENTHER: Well, I mean, so you don't  
19 have to keep dealing with this. How do you get rid of  
20 it?

21 OFFICER AUCH: Personally, I could handle  
22 what happened as long as I don't talk about it. As  
23 soon as I talk about it, then I clam up and I get  
24 all -- I feel all the pain and I get depressed and  
25 everything else, so I choose not to talk about it and

1       have a good day rather than talk about it and have a  
2       bad day.

3               MR. GUENTHER: Well, we are sorry we made  
4       your good day bad.

5               OFFICER AUCH: It's been a bad day before  
6       this, so don't worry about it.

7               MR. GUENTHER: Okay. And we wish you well  
8       both in your personal life and in the choices you make  
9       and in your healing from this traumatic experience.

10              OFFICER AUCH: Well, thank you.

11              MR. GUENTHER: And if we can help in any  
12       way or if you have any problem with your water, you let  
13       me know.

14              OFFICER AUCH: All right.

15              MR. BURKE: Thank you, Jason.

16              MR. GUENTHER: Take care of yourself.

17              (The telephone interview concluded at 6:17  
18       p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings had upon the foregoing interview are contained in the shorthand record made by me thereof, and that the foregoing 43 pages constitute a full, true, and correct transcript of said shorthand record; all done to the best of my skill and ability.

DATED at Phoenix, Arizona this 26th day of February, 2004.

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Marcella L. Daughtry, RPR  
Certified Court Reporter #50623